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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | SA 10-029M |
| |) | |
| v. |) | ORDER OF DETENTION AFTER HEARING |
| |) | (18 U.S.C. § 3142(i)) |
| PEDRO CERVANTES, |) | |
| |) | |
| Defendant. |) | |

I.

- A. ☐ On motion of the Government involving an alleged
1. ☐ crime of violence;
 2. ☐ offense with maximum sentence of life imprisonment or death;
 3. ☐ narcotics or controlled substance offense with maximum sentence of ten or more years
(21 U.S.C. §§ 801, 951, et. seq., 955a);
 4. ☐ felony - defendant convicted of two or more prior offenses described above.
- B. On motion ☐ (by the Government) / ☐ (by the Court sua sponte involving)
1. ☒ serious risk defendant will flee;
 2. ☐ serious risk defendant will
 - a. ☐ obstruct or attempt to obstruct justice;
 - b. ☐ threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

II.

The Court finds no condition or combination of conditions will reasonable assure:

A. (X) appearance of defendant as required; and/or

B. () safety of any person or the community;

III.

The Court has considered:

A. (x) the nature and circumstances of the offense;

B. (x) the weight of evidence against the defendant;

C. (x) the history and characteristics of the defendant;

D. () the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

A. () Defendant poses a risk to the safety of other persons or the community because:

B. (x) History and characteristics indicate a serious risk that defendant will flee because:

Defendant is undocumented. He has no ties to the community and no bail resources.

C. () A serious risk exists that defendant will:

1. () obstruct or attempt to obstruct justice;

2. () threaten, injure or intimidate a witness/ juror; because:

D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142 (e).

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1 IT IS ORDERED that defendant be detained prior to trial.

2 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections
3 facility separate from persons awaiting or serving sentences or person held pending appeal.

4 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private
5 consultation with his counsel.

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8 Dated: February 4, 2010

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Marc L. Goldman
U.S. Magistrate Judge